



**HALE AND DORR LLP**  
C O U N S E L L O R S   A T   L A W

[www.haledorr.com](http://www.haledorr.com)

THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004-1008  
202-942-8400 • FAX 202-942-8484

ATTN: **GROUP ART  
UNIT 1634**

September 8, 2003

**MAIL STOP SEQUENCE**

Commissioner for Patents  
Washington, DC 20031

Re:   **Applicant: KILKUSKIE et al.**  
      **Serial No.: 08/887,505**  
      **Filed: 02 July 1997**  
      **Entitled: OLIGONUCLEOTIDES SPECIFIC FOR**  
              **HEPATITIS C VIRUS**  
      **Our Ref: HYZ-040CIP (47508.250)**

Dear Sirs:

Enclosed herewith for appropriate action by the United States Patent and Trademark Office is the following document

1. Transmittal Letter;
2. Response to Notice to Comply With Nucleotide Sequence Listing and Statement Under 37 C.F.R. § 1.821(f);
3. Copy of the Original Notice to Comply
4. Preliminary Amendment;
5. Substitute Computer Readable Form Copy of the Sequence Listing;
6. Substitute Paper Copy of the Sequence Listing; and
7. Postcard evidencing the same.

The Commissioner is hereby authorized to deduct any fees necessary from Deposit Account No. 08-0219 to maintain the pendency of this application.

Respectfully submitted,

Tamera M. Pertmer, Ph.D.  
Agent for Applicant  
Reg. No. 47,856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

O I P E J C P  
SEP 08 2003  
PATENT & TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/887,505	07/02/1997	ROBERT L. KILKUSKIE	HYZ-040CIP	1117

7590 08/08/2003  
HALE AND DORR  
60 STATE STREET  
BOSTON, MA 02109

HALE AND DORR LLP  
AUG 11 2003  
DOCKET DEPT.  
INTELLECTUAL PROPERTY DEPARTMENT

EXAMINER	
JOHANNSEN, DIANA B	
ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

HALE & DORR DOCKETING  
RE: 47508. 250 US3  
Action Date: 9.8.03  
Action to be Taken: D/D  
Docketed By: BNB On: 8.11.03

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Incomplete Sequence Listing

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

Art Unit: 1634

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Particularly, it is noted that the sequence depicted in Figure 1 has not been included in the Sequence Listing. As an electronic version of this sequence is needed for search purposes, compliance with the sequence rules is required. Further, it is noted that the specification fails to comply with one or more of the requirements of 37 CFR § 1.821 through 1.825 because the specification recites sequences that lack description by an appropriate sequence identifier set forth in the "Sequence Listing" as required by 37 CFR § 1.821(d). See, for example, pages 13 and 42. Appropriate corrections for compliance are required.

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

2. Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Application/Control Number: 08/887,505

Art Unit: 1634

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is (703)305-0761. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached at (703) 308-1152. The fax phone number for the Technology Center where this application or proceeding is assigned is (703) 305-3014 or 305-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

A handwritten signature in cursive script that reads "Diana B. Johannsen".

Diana B. Johannsen  
August 5, 2003